



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,110	07/08/2003	Ajit Mathews	CE11057JI210	9113
22917	7590	05/19/2006	EXAMINER	
MOTOROLA, INC. 1303 EAST ALGONQUIN ROAD IL01/3RD SCHAUMBURG, IL 60196			LI, ZHUO H	
			ART UNIT	PAPER NUMBER
			2185	

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/615,110

Applicant(s)

MATHEWS ET AL.

Examiner

Zhuo H. Li

Art Unit

2185

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 17-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/3/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Group I in the reply filed on 3/17/2006 is acknowledged.

Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

2. This application contains claims 17-24 are drawn to an invention nonelected without traverse. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Response to Amendment

3. This Office action is in responds to Applicant's respond filed on 3/17/2006, claims 1-16 are pending in the application, and claims 17-24 are withdrawn from consideration.

Double Patenting

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re*

Art Unit: 2185

Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 1-16 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-11 of copending Application No.

10/663,305. Although the conflicting claims are not identical, they are not patentably distinct from each other because all the claimed limitations are transparently found in the copending Application No. 10/663,305. See the following table of comparing the claim 1 of the present application and the copending Application No. 10/663,305.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Present Application No. 10/615,110	Copending Application No. 10/663,305
A radio communication device having a resource efficient content management system, comprising:	An electronic device that supports at least one language, comprising:
A memory;	A memory;
At least one pack that includes an image file that contains data; and	At least one language data package located within the memory having an image file that

Art Unit: 2185

	contains data on the at least one image;
A pack manager loaded in the memory, the pack manager having a pack loader, unloader and a master pointer table, wherein the pack manager is used for loading and unloading at least one pack into and out of the memory, and using the master pointer table for keeping track of the location of the at least one pack.	A pack manager, wherein the pack manager is used for loading and unloading at least on language pack into and out of memory; and wherein the at least one language data package can be loaded and accessed by the electronic device without having to perform a system re-boot.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Art Unit: 2185

7. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mathews et al. (US 2004/0216054 hereinafter Mathews) in view of Sinclair (WO 99/38066).

Regarding claim 1, Mathews discloses a radio communication device (10, figure 1) comprising a memory (14, figure 1), at least one pack (20, figure 1) that includes an image file that contains data, and a pack manager (79, figure 3) loaded in the memory, wherein the pack manager is used for loading and unloading the at least one pack into and out of the memory ([0019] through [0021] and [0024]). Mathews differs from the claimed invention in not specifically teaching that the pack manager having a pack loader, unloader and a master pointer table and using the master pointer table for keeping track of the location of the at least one pack. However, Sinclair teaches a flash memory system (18, figure 1) comprising a controller (16, figure 1) including a loader, unloader and a pointer table and using the pointer table for keeping track of the location of the at least one data (page 16, lines 5-16 and page 27, lines 10-29). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention of made to modify Mathews in having pack loader, unloader and master pointer table and using the master pointer table for keeping track of the location of the at least one pack, as per teaching of Sinclair, in order to provide efficient storage and retrieval of data.

Regarding claims 2-3, Sinclair teaches the at least one data block, i.e., a pack, contains a header portion, information portion and data portion, wherein the header portion comprises an identifier (page 5 lines 18-31 and page 12 line 29 through col. 13 line 12), and the identifier in the head portion is unique to each type of data block and help identify the data block (page 17 line 29 through page 18 line 18).

Regarding claims 4-5, Sinclair teaches the header portion including information on a size of the at least one pack and information on the version of that at least one pack (page 12 line 29 through page 13 line 6).

Regarding claims 6-7, Sinclair discloses the info portion including information regarding a size of data located in the data portion and a checksum which is used by the pack manager to check integrity of the data stored in the at least one pack (page 13 lines 7-12).

Regarding claims 8-9, Mathews discloses the pack manager further comprising an error checker that is used to check for errors in the data found in the at least one pack, wherein a checksum found in the at least one pack is checked by the pack manager to determined if the at least one pack is valid or invalid when the at least one pack is loaded into the radio communication device ([0028]).

Regarding claims 10-11, Mathews discloses the at least one pack being loaded into the radio communication device over the air using a tethered download ([0024]).

Regarding claim 12, Mathew discloses the radio communication device will automatically request that a pack be resent if the pack manager determines that an invalid pack has been loaded ([0026]).

Regarding claims 13-14, Sinclair discloses the memory comprising a non-volatile memory, i.e., flash memory (abstract).

Regarding claim 15, Mathews discloses the at least one pack being loaded without power recycling the radio communication device ([0019]).

Regarding claim 16, Mathews discloses the at least one pack being comprised of different data types, and each different data types pack having a unique identifier ([0020]).

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zhuo H. Li whose telephone number is (571) 272-4183. The examiner can normally be reached on Tue-Fri 8:30 AM-6:00 PM, and alternate Monday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Kim can be reached on (571) 272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Zhuo H. Li



Patent Examiner
May 10, 2006



MATTHEW KIM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER